

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

J. MICHAEL LANDSCAPING, INC.,
Defendant

and

BARLETTA ENGINEERING CORPORATION;
MODERN CONTINENTAL CONSTRUCTION CO.,
INC.; and PEABODY CONSTRUCTION COMPANY,
INC.,

Reach-and-Apply Defendants

C.A. No. 05-11624 RWZ

**MOTION FOR ATTACHMENT OF
PERSONAL PROPERTY OF DEFENDANT**

Now come the Plaintiffs in the above-entitled matter and move this Court, pursuant to Rule 64, Fed.R.Civ.P., M.G.L. c. 223, and Rule 4.1, Mass.R.Civ.P., for an order to attach personal property of Defendant J. Michael Landscaping, Inc. ("J. Michael"), to the value of \$122,041.18, representing fringe benefit contributions owed plus estimated prejudgment interest, statutory liquidated damages, attorneys' fees, and costs.

In support thereof, Plaintiffs state they are reasonably likely to recover judgment in an amount equal to or greater than the amount of the attachment over and above any liability

insurance shown by J. Michael to be available to satisfy the judgment. In support of this Motion, plaintiffs rely on a Memorandum of Law submitted herewith, the Affidavits of Philip M. Mackay and Anne R. Sills, and other pleadings on file in this case.

Respectfully submitted,

PAUL J. McNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,

/s/ Gregory A. Geiman
Anne R. Sills, Esquire
BBO #546576
Gregory A. Geiman, Esquire
BBO #655207
Segal, Roitman & Coleman
11 Beacon Street, Suite #500
Boston, MA 02108
(617) 742-0208

Dated: December 7, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Rule 7.1(A)(2), that prior to filing Plaintiffs' Motion for Attachment of Personal Property in this matter he corresponded with J. Michael Landscaping, Inc.'s attorney in a good faith effort to resolve or narrow the issues

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Plaintiffs' Motion for Attachment of Personal Property of Defendant has been served by first class mail upon defendant, J. Michael Landscaping, Inc. by its attorney, Paul Hogan, Esquire at Hogan & Associates, 63 Chatham Street, Boston, MA 02109 and reach-and-apply defendants, Barletta Engineering Corporation at 40 Shawmut Road, Suite #200, Canton, MA 02021, Modern Continental Construction Co., Inc. at 600 Memorial Drive, Cambridge, MA 02139, and Peabody Construction Company, Inc. at 536 Granite Street, Braintree, MA 02184 this 7th day of December, 2005.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire